

FEB 06 2020

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MM
DEPUTY

UNITED STATES DISTRICT COURT

for the

Western District of Texas



SAN ANTONIO Division

DAE

SA20CA0139

Case No.

(to be filled in by the Clerk's Office)

QUENTIN O'NEAL BROWN

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NEW ERA CAP COMPANY, INC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

QUENTIN O'NEAL BROWN112 MEADOW WAYCONVERSETEXAS, 78109(726) 444-7040qb5CUSTOMHATS@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

NEW ERA CAP Company, Inc
CORPORATE HEADQUARTERS Legal Dept.
160 Delaware Ave
Buffalo
NEW YORK, 14202
1(716) 604-9000

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

17 U.S.C. § 501 INFRINGEMENT COPY RIGHT

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Quentin O'Neal Brown, is a citizen of the State of (name) TEXAS.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) NEW ERA CAP COMPANY, is a citizen of the State of (name) NEW YORK. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

NEW ERA CAP COMPANY, INC PLAGIARIZE MY Idea on The MEMORIAL DAY 2018 BASEBALL CAP. and NEW ERA CAP sold over 22 million at a cost of 31.00 per Hat (682 million)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back in February 2018, I posted images of a Navy and Texas baseball cap showcasing the hat design I have been working on to see if there were potential customers that would be interested in purchasing my product. After receiving several compliments from my social media followers on my design, I thought it would be beneficial for me to follow up with another social media post. On April 29, 2018, I decided to purchase a New Era basketball cap from a local Lids store in an attempt to enhance the design. I did so by placing 4 star General stars and using military medals...and decided to call it a "General Cap".

Shortly after, New Era and Mitchell & Ness both reached out to me on April 29, 2018, inquiring about what I would like to achieve with the design of the basketball cap I posted on my social media account. They both showed common interest and we began a brief email exchange to see if there was a chance or likelihood of a future collaboration cap. As time passed, and my email exchanges with Chip Esquerre of New Era came to an end, I thought I missed an opportunity to work with a major company.

In May of 2018, during Memorial Day weekend, New Era released a line of baseball caps using the exact designs that I got the attention of Chip Esquerre at New Era, and what discussed in our email exchanges.

Relife 4A Page

Based on my research on the sales of the New Era cap using my design that was launched and released in May of 2018, I am seeking 150 thousand dollars in copyright infringement claim. Having spent time working on the design, marketing the final product on my social media in hopes of attracting the interest of a major company like New Era, and finally being coerced into sharing my ideas w/New Era and chip esquerra, only to be cropped out of the picture once their Memorial Day line of caps was produced for a more than successful release, I have been troubled by the way I was treated during this process. As a result, I have been forced to seek psychological help twice a month stemming from the stresses of knowing a major company without my approval has used my idea and design. To spend years musing and finally finding a passion to design caps, to feel like my vision was stolen for corporate greed is something that is hard to recover from. Following the release of the "Memorial Day General Cap", I was constantly asked if I finally collaborated with New Era because many people were familiar with my designs, knew this particular line of caps was successful, and assumed I was the reason behind their success of the cap. But I wasn't, at least not contractually. 02/05/2020

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

02-06-2020

Signature of Plaintiff

Printed Name of Plaintiff

Quentin O. Brown
Quentin O'Neal Brown

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

3:02



eco.copyright.gov/eService_enu/start.swe?SRN=TLladaIED;



United States Copyright Office

IT IS all acceptable file size

Home | | My Profile | Help | Contact Us | Log Out

Upload Your Work(s)

Case Details

Case #: 1-8450892957

Title: Four General Stars on a Hat/Cap.

Volume:

Number:

Issue Date:

Type of Work: Work of the Visual Arts

Step 1: Select & Upload Files

Step 2: Complete Your Submission

1 - 1 of 1

Claim submission completed, no further action required

[Click here for more information](#)

[View Uploaded File Names](#)

(2) Send Your Work(s) by Mail:

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

Click "Home" after uploading files(s) or printing shipping slip(s). You may verify the submission in the open Cases table on your eCO Home page.



Quentin Brown <qbscustomnhats@gmail.com>

Fwd: Confirmation of Receipt

1 message

quentinbrown13@yahoo.com <quentinbrown13@yahoo.com>

Mon, Feb 3, 2020 at 1:37 PM

To: qbscustomnhats@gmail.com

----- Forwarded message -----

From: Copyright Office <noreply@loc.gov>

Date: Feb 2, 2020 2:57 PM

Subject: Confirmation of Receipt

To: quentinbrown13@yahoo.com

Cc:

THIS IS AN AUTOMATED EMAIL - PLEASE DO NOT REPLY.

Your Application and payment for the work four General Stars on a Hat/Cap. were received by the U.S.Copyright Office on 2/2/2020.

PLEASE NOTE: Your submission is not complete until you upload or mail the material you are registering. To do so, logon to https://eco.copyright.gov/eService_enu/ and click on case number 1-8450892957 in the Open Cases table. Follow the instructions to either upload a digital copy or mail a physical copy (with shipping slip attached) of the work being registered. Additional instructions and requirements for submitting the material being registered can be found at <http://www.copyright.gov/eco/tips/>.

SHIPPING SLIPS: If you mail physical copies of the material being registered, the effective date of registration will be based on the date on which we receive the copies **WITH CORRESPONDING SHIPPING SLIPS ATTACHED**.

A printable copy of the application will be available within 24 hours by clicking the My Applications link in the left top most navigation menu of the Home screen.

You may check the status of this claim via eCO using this number 1-8450892957. If you have questions or need assistance, Copyright Office contact information can be found at <http://www.copyright.gov/help/index.html#general>.

United States Copyright Office